

ESTTA Tracking number: **ESTTA721927**

Filing date: **01/21/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

| | |
|------------------------|---|
| Proceeding | 91225355 |
| Party | Defendant Batteroo, Inc. |
| Correspondence Address | Pardees Parvin Batteroo 310 De Guigne Road 310 De Guigne Road Sunnyvale, CA 94085 pardees@gmail.com |
| Submission | Answer |
| Filer's Name | Pardees Parvin |
| Filer's e-mail | pparvin@batteroo.com, pardees@gmail.com |
| Signature | /Pardees Parvin/ |
| Date | 01/21/2016 |
| Attachments | EnergizerAnswer.pdf(21963 bytes) |

1 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
2 BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

3 In the Matter of:
4 Application Serial No. 86/571,275
5 Published in the *Official Gazette* August 18, 2015
6 Mark: BATTERISER

7 In the Matter of:
8 Application Serial No. 86/571,464
9 Published in the *Official Gazette* August 18, 2015
10 Mark: BATTERISE

11 ENERGIZER Brands, LLC,

12 Opposer,

13 v.

14 BATTEROO, Inc.

15 Applicant

16 Opposition No. 91225355

17 **APPLICANT'S ANSWER TO NOTICE OF OPPOSITION**

- 18 1. Applicant admits each and every allegation contained in paragraph 1 of the
19 complaint.
- 20 2. Applicant admits each and every allegation contained in paragraph 2 of the
21 complaint.
- 22 3. Applicant admits each and every allegation contained in paragraph 3 of the
23 complaint.
- 24 4. Applicant admits each and every allegation in paragraph 4.
- 25 5. Applicant admits each and every allegation in paragraph 5.
- 26 6. Applicant admits each and every allegation in paragraph 6.
- 27 7. Applicant admits that opposer has used, promoted, and advertised its goods in
28 commerce for many years. Applicant denies each and every other allegation
contained in paragraph 7.
8. Applicant denies each and every allegation contained in paragraph 8.

- 1 9. Applicant denies each and every allegation contained in paragraph 9.
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- 3 10. Applicant denies each and every allegation contained in paragraph 10.
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- 5 11. Applicant admits that Energizer is a widely recognized mark. Applicant denies each
6 and every other allegation contained in paragraph 11.
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- 8 12. Applicant denies each and every allegation contained in paragraph 12.
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- 10 13. Applicant denies each and every allegation contained in paragraph 13.
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- 12 14. Applicant denies each and every allegation contained in paragraph 14.
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- 14 15. Applicant denies each and every allegation contained in paragraph 15.
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- 16 16. Applicant denies each and every allegation contained in paragraph 16.
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- 18 17. Applicant denies each and every allegation contained in paragraph 17.
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- 20 18. Applicant denies each and every allegation contained in paragraph 18.
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- 22 19. Applicant denies each and every allegation contained in paragraph 19.
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- 24 20. Applicant denies each and every allegation contained in paragraph 20.
- 25
- 26 21. Applicant denies each and every allegation contained in paragraph 21.
- 27
- 28 22. Applicant further affirmatively alleges that as a result of its continuous and
substantial usage of the BATTERISER mark, this mark is a valuable asset to the
Applicant.
- 23 23. Applicant further affirmatively alleges that there is no likelihood of confusion,
dilution, mistake, or deception because Applicant's marks and Opposer's marks are
not confusingly similar.
- 24 24. Applicant further affirmatively alleges that applicant's mark is not merely descriptive.
The applicant's mark represents a distinct brand identity and image, beyond the scope
of a descriptive purpose.
- 25 25. Applicant further affirmatively alleges that applicant's mark is not deceptive or
misrepresentative of the technology in any way.

WHEREFORE, Applicant requests that the notice of opposition be dismissed.

DATED: January 21, 2016

Respectfully Submitted, Batteroo

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By:/s/ Pardees Parvin
Pardees Parvin
310 DeGuigne Dr.
Sunnyvale, CA 94085
Attorney for Applicant Batteroo

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PROOF OF SERVICE

I Hereby certify that the foregoing ANSWER TO NOTICE OF OPPOSITION have been properly served upon the correspondent of record, via US first class mail, postage prepaid on January 21, 2016.

John Gary Maynard, III
Huntington & Williams LLP
951 East Byrd Street
Riverfront Plaza, East Tower
Richmond, VA 23219-4074

/s/ Pardees Parvin
Pardees Parvin